

PROGRAM TO STRENGTHEN THE JUDICIARY AND IMPROVE ACCESS TO JUSTICE

(NI-0081)

EXECUTIVE SUMMARY

Borrower:	Republic of Nicaragua	
Executing agency:	Supreme Court of Justice (CSJ)	
Amount and source:	IDB: (FSO)	US\$12 million
	Borrower:	US\$ 3 million
	Total:	US\$15 million
Financial terms and conditions:	Amortization period:	40 years
	Grace period:	10 years
	Disbursement period:	4 ½ years
	Interest rate: (first 10 years)	1%
	Interest rate: (thereafter)	2%
	Inspection and supervision:	1%
	Credit fee:	0.5%
	Currency:	U.S. dollar
Objectives:	<p>The purpose of the program is to increase access to and improve the quality and availability of justice services, and to support the process of judicial reform, modernization, and strengthening now underway.</p> <p>The specific objectives are: (i) to expand judicial access in order to meet the needs of vulnerable groups in Managua and the country's interior; (ii) to improve the organization and operation of judicial offices, strengthening and streamlining the administrative functions of the judiciary; and (iii) to increase confidence in and improve the quality of service by creating and consolidating courses of study in the judiciary and the civil service, and creating communications mechanisms with users.</p>	
Description:	<p>A comprehensive system will be developed to provide solutions for the three basic dimensions of the judicial branch: (i) problems of judicial access relating to inattention to the needs of vulnerable groups and the lack of necessary infrastructure; (ii) the need to adopt new procedures and technologies for controlling and managing offices and</p>	

to strengthen and streamline the planning and management functions of the judiciary; and (iii) actions aimed at strengthening the development of the institution's personnel, as well as internal and external means of communication. The program will support a gradual change in judicial culture, involving the various players who take part in the system: magistrates, judges, judicial civil servants, public prosecutors, defense lawyers, and litigating attorneys. What defines the concept of comprehensive development is that all program activities are part of processes in which three dimensions are present and interrelated continuously and simultaneously: access, management, and human resources.

In order to achieve these objectives, a program has been designed that comprises three complementary projects: (i) Judicial Access and User Services; (ii) Strengthening Judicial Management; and (iii) Human Resources and Communications. All proposed activities corresponding to these three projects fall under the purview of the CSJ.

No changes in the law are required for implementation of the planned activities and the proposed organizational and management changes.

**The Bank's
country and
sector strategy:**

The objective of the Bank's strategy is to achieve sustained economic growth, with equity, under basic conditions of maintaining macroeconomic stability, consolidating structural reforms, and fighting against poverty. The proposed program is consistent with this strategy, insofar as it supports the country's democratic consolidation efforts through modernizing and strengthening the judicial branch, the proper functioning of which will further contribute to legal protections for investments, economic growth, and social equity.

**Environmental
and social
review:**

The program will incorporate the environmental and social recommendations of the 24 April 2000 meeting of the Committee on Environment and Social Impact (CESI). The main recommendations relate to compliance with environmental and municipal regulations in the construction of works (paragraph 2.10); access for the disabled to the Managua Central Judicial Complex (paragraph 2.8(vi)); the incorporation of certain points of indigenous customary law and environmental legislation, as appropriate (paragraphs 2.15(iii), 2.17, 2.35(i), 2.40(vii), and 2.43(ii)); and property registration issues (paragraph 2.35(iv)).

Benefits:

The program will enable judicial offices in Managua, which provide services mainly to a population with limited resources, to create an adequate physical plant to provide justice services effectively in a work environment that is constructive for civil servants and allows greater access for users.

The creation of Assistance, Mediation, Information, and Guidance Centers (CAMINOs) and Crime Victim Assistance Programs (PAVs) will make it possible to expand and improve judicial access, particularly on behalf of vulnerable groups within the population who are deeply affected by such issues as high illiteracy and poverty rates and difficulties relating to the lack of adequate roads and means of communication in interior regions of the country. Victims of crimes will also benefit, particularly crimes involving physical and mental harm, which are not adequately addressed by the criminal justice system at the present time. Preliminary data indicate that the primary beneficiaries (at least 70%) of the CAMINOs are involved in cases directly relating to women, such as domestic problems, abandonment, assaults against women and children, threats, domestic violence, marital separation, and neighborhood disputes.

The introduction of modern administrative systems will help increase efficiency levels in the use of the judiciary's human, material, and financial resources. Delays and congestion in the courts will be countered by strengthening the judiciary's institutional and technical capacity, and by preparing the various players in the system for long-term institutional change.

The creation of judicial and civil service courses of study will make it possible to: (i) ensure that judicial civil servants, judges, magistrates, and support staff are appointed to their offices based on objective criteria of suitability; and (ii) establish a system of incentives and a regimen of disciplinary actions and removal from office based on objective parameters.

The program will help to lay the groundwork for efforts to overcome delays and congestion in the courts by strengthening the judiciary's institutional and technical capacity and preparing the various stakeholders in the system for long-term institutional change. Over the medium and long term, the improvement of judicial services will also help strengthen the framework of democratic institutions and juridical security, creating a climate conducive to investment and economic growth.

Risks:

Operations such as this generally involve risks relating to implementation of the reforms they support. This is particularly true with regard to administrative and procedural changes, since these are rooted in the practices of the various players participating in the administration of justice, primarily judges, senior civil servants, and attorneys. This risk is mitigated by the desire for change demonstrated by the CSJ and its members in the reform process that they are now completing, including the transformations covered under this operation.

The vertical structure of judicial organizations, little accustomed to the establishment of participatory mechanisms for institutional reform – which represents the basis for the transformation required – could also constitute a risk to the program. This risk would be mitigated by the communication instruments planned under the program, which would involve judicial system personnel, users, and interested civil society organizations.

Another risk for implementation is the resistance of civil servants and those who run the system to the use of computer tools and indicators to measure management and performance. This risk is reduced by structured awareness efforts and the training planned in the program for those who run the system, and by steps to strengthen the organization's staff and middle and upper management, who will assume a leadership role in this process of change.

One potential risk is that the present consensus regarding the reform and modernization process will be affected in the future by changes in the judiciary's senior management (Presiding Magistrate of the CSJ and Presiding Magistrates of the courts of the CSJ). This risk has been addressed by involving all the magistrates, through the plenary session of the CSJ, in program preparation. A Special Commission for Modernization has been created, the permanent function of which is to lead the process of reform and modernization of the administration of justice.

**Special
contractual
clauses:**

Precedent to the first disbursement of financing, the executing agency must submit the following to the satisfaction of the Bank: (i) a copy of the agreement reached between the Ministry of Finance and Public Credit and the CSJ, in which the transfer of resources and the CSJ's responsibility for implementation are reflected (paragraph 3.2); (ii) proof that the personnel that will form the Program Coordinating Unit (PCU) has been selected, and that working groups have been established for project implementation (paragraphs 3.5 and 3.15 respectively); and (iii) the first annual operating plan (AOP) (paragraph 3.9).

Financing for the Judicial Access and User Services project is subject to submission of the following by the executing agency, to the satisfaction of the Bank: (i) evidence that the execution agreements required to create at least four Assistance, Mediation, Information, and Guidance Centers (CAMINOs) are in force (paragraphs 2.19 and 3.16); and (ii) a copy of the agreement reached between the CSJ and the Ministry of Health and at least one university for setting up the Crime Victim Assistance Programs (PAVs) (paragraphs 2.25 and 3.16).

Precedent to the call for bids on construction work for the Central Judicial Complex in Managua, the executing agency must submit proof to the Bank: (i) that it has implemented the first phase of the Strengthening Judicial Management project; (ii) that, by resolution of the CSJ, it has approved the strategies and means for implementing the judicial career system and the administrative personnel management system based on the recommendations resulting from execution of the first phase of the Human Resources and Communications project; and (iii) that it has selected consulting services to supervise the construction work (paragraph 2.11).

Special disbursement: Once the borrower has complied with the general conditions precedent to the first disbursement established in Article 4.01 (a), (b) and (e) of the General Conditions, the Bank may authorize a special disbursement equivalent to up to US\$100,000. The object of this disbursement is to initiate program activities, including the special conditions precedent specified in the loan contract (paragraph 3.20).

Poverty-targeting and social sector classification:

Not applicable.

Exceptions to Bank policy:

None.

Procurement:

Selection of and contracting for consulting services and all procurement planned by the program must be handled in compliance with the Bank's standard procedures in this regard. International competitive bidding must be used for the procurement of goods over the equivalent of US\$350,000 and construction contracting over the equivalent of US\$2 million. Procurements under these limits will be guided, in principle, by the provisions of national law. An international call for proposals must be issued for the selection of and contracting for consulting services over the equivalent of US\$200,000.